United Nations CEDAW/C/SR.1317

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
23 July 2015

English only

Committee on the Elimination of Discrimination against Women
Sixty-first session

Summary record of the 1317th meeting*
Held at the Palais des Nations, Geneva, on Tuesday, 14 July 2015, at 10 a.m.

Chairperson: Ms. Hayashi

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fifth and sixth periodic reports of the Plurinational State of Bolivia

* No summary records were issued for the 1315th and 1316th meetings.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings held during this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.15-12064 (E) 210715 230715

Please recycle

The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fifth and sixth periodic reports of the Plurinational State of Bolivia

1. *At the invitation of the Chairperson, the delegation of the Plurinational State of Bolivia took places at the Committee table.*

2. **Ms. Velasco Condori** (Plurinational State of Bolivia) said that for the Plurinational State of Bolivia, the attainment of equality between men and women was an element of the task of meeting the historical challenge of creating a democratic and productive society committed to comprehensive development and the self-determination of peoples. The Government's approach to discrimination against women was integrated into the National Development Plan, which defined the "Good Life" policy on the basis of a cosmic vision, the recognition of many identities, and the realization, in harmony with mother earth, of a genuine and effective form of inclusion governed by the people.

3. Eighty-eight women had participated in the Constituent Assembly of 2006, most of them indigenous women in the front lines of the movement against neoliberalism, who had contributed, at the request of their *ayllus*, or traditional indigenous communities, to the creation of a new vision and a new society. The adoption of the new Constitution in 2009, on the basis of a constitutional referendum, had marked the first step in the construction of the Plurinational State. One of the first measures taken by the Plurnational State had been the establishment of the new transitional electoral regime, which had engaged the full population of voting age in the elections of late 2009, and had brought President Evo Morales Ayma to power. He had chosen a Cabinet made up of 50 per cent women; as of 2015 the composition of the Plurinational Assembly was also 50 per cent women, placing Bolivia in the gender parity vanguard.

4. The new Constitution stipulated that the State should promote the ethical and moral principles of a plural society, namely *ama qhilla, ama llulla, ama suwa* (don't be lazy, don't be a liar, don't be a thief), *suma qamaña* (live well), *ñandereco* (harmonious life), *teko kavi* (good life), *ivi maraei* (land without evil) and *qhapaj ñan* (noble path or life). It would be grounded in the values, inter alia, of unity, equality, dignity, liberty, solidarity, reciprocity, respect, harmony, transparency, and social and gender equity, as well as in social justice, and the distribution and redistribution of social products and goods, for the attainment of a good life.

5. The Constitution also defined decolonization as a tool for the construction of a new society without discrimination or exploitation, and with full social justice. Within that process, public policy was predicated on the concepts of decolonization and the elimination of patriarchy, under the National Equal Opportunity Plan: Women Building the New Bolivia to Live Well. That policy was informed by "Live Well" principles, which aimed at removing obstacles to the advancement of women and the construction of a society free of hierarchies and in harmony with nature.

6. Under that plan, women were not regarded as a vulnerable group but as one half of the population that had become vulnerable as a result of the neoliberal system. New legislation guaranteed women a life free of violence, and also established mechanisms and measures to protect women in situations of violence and to punish the perpetrators. Protection mechanisms included shelters for women, children and adolescents who were the victims of physical, sexual or psychological aggression. The shelters promoted self-help, self-awareness, autonomy, protection and the restitution

of rights, and instituted social, legal, psychological, health and labour-related measures on behalf of victims.

7. The new society of the Plurinational State of Bolivia sought full social justice and the "Good Life" for both men and women, breaking with the capitalist, colonial and patriarchal past.

8. **Ms. Suxo Iturry** (Plurinational State of Bolivia) said that the Committee had expressed concern at the lack of institutional stability and a comprehensive gender mainstreaming policy. Bolivia now had a National Equal Opportunity Plan, which was fully described in the report and had been implemented at all departmental and municipal levels.

9. The Committee had also been concerned that women had insufficient access to land, housing and basic services. Bolivia could now report that the land rights of women were covered in a cross-cutting manner by the Constitution, which established that land grants for women must respect their right to ownership without discrimination on the basis of civil or marital status. As for the right to water and housing, the Executive Unit for Emergency Housing had been set up to provide housing solutions for populations affected by natural disasters; the programme had helped 10,000 families, and women in particular.

10. The Committee had recommended strengthening the poverty reduction strategy: the goal of eliminating extreme poverty had been met in 2009.

11. The Committee had recommended that the State party should strengthen its efforts to implement nationwide effective educational programmes in the area of functional literacy. In 2008, the country had declared itself to be free from illiteracy; it was estimated that eight out of ten persons who had achieved literacy were women. In that regard, the Office of the United Nations High Commissioner for Human Rights had said that Bolivia had made the second greatest investment in education and culture of all Latin American countries.

12. The Committee had been concerned that the Afro-Bolivian community was socially invisible and marginalized, in particular Afro-Bolivian women: the Constitution forbade all forms of discrimination based on sex, origin and other factors.

13. The Committee had urged the State party to create the necessary conditions for poor, rural and indigenous women to have access to justice and to enhance women's legal literacy where appropriate, in the relevant languages. A law had been adopted for the purpose of recognizing the indigenous languages as official languages, and integrating them into all administrative systems, public and private, and into all public educational, health, justice and communications services.

14. The Committee had called on the State party to expedite the registration of women, particularly indigenous women in rural areas, older women and women with disabilities, and issue birth certificates and the relevant identity documents. In that regard, the civil registration procedures had been simplified, and birth certificates and identity cards had been issued for women receiving the Juana Azurduy subsidy.

15. The Committee had asked the State party to formulate and implement legislation on domestic and sexual violence against women, giving priority to a comprehensive strategy to combat all forms of violence, to punish perpetrators and to protect and care for victims. Comprehensive Act No. 348, to Guarantee Women a Life Free of Violence, and its regulatory decree, had brought progress, in particular the allocation of more resources for the eradication of gender violence, and the construction of shelters for women.

16. The Committee had urged the State party to accelerate the achievement of the substantive equality of women in all areas covered by the Convention. In that regard, men and women were now equally represented in the Plurinational Legislative Assembly. In addition, the Supreme Electoral Court had guaranteed parity for Deputies and Senators in the 2014 elections, by requiring that 50 per cent of the candidates on the electoral lists of political parties should be women. In addition, a group of women higher court judges had launched a gender equality policy project, which called for the establishment of a gender department and a gender observatory.

17. The Committee had also asked the State party to adopt the draft law against political harassment of women; in that regard, the Human Rights Council had recently recognized that Bolivia, through its Political Harassment and Violence against Women Act, stood at the forefront of efforts to combat that form of violence.

18. There were a number of other matters that her delegation wished to bring to the attention of the Committee. The universal maternal and infant insurance scheme and the free old-age medical insurance scheme were still operational. In addition, a draft law on sexual and reproductive rights was being developed with the participation of women's organizations. Work was also being done on the Comprehensive Plurinational System to prevent, address, punish and eliminate gender-based violence. Under Comprehensive Act No. 348, femicide was punishable by 30 years in prison; the first femicide conviction had been handed down in recent days.

19. The Children's and Young Person's Code had been adopted in 2014, guaranteeing girls and boys the full enjoyment of their rights under conditions of equality and equity, in accordance with the Constitution and the relevant international human rights instruments. Moreover, the income redistribution programmes had contributed to the fulfilment of economic, social and cultural rights and to combating extreme poverty.

20. The rights of indigenous persons were a fundamental part of the national agenda. The draft law on prior, free and informed consent would promote and protect their collective rights. In that regard, the Law on Mining and Metallurgy had been adopted, which recognized the right of the indigenous peoples to share in the benefits arising from resources found on their own territories.

21. Regarding access to justice, a national judicial summit was to be held in 2015. Preparatory workshops were under way, involving diverse sectors of the population. The results of the summit would be the subject of a national referendum.

22. The Bolivian Government had made considerable progress in bringing about structural reforms over the previous seven years with a view to improving its implementation of the Convention. It was important to understand that the commitments of the Government went well beyond compliance with an international instrument. In fact, the new Constitution promised greater protection for the human rights of women than did the international instruments to which the country was a party.

23. **Ms. Acosta Vargas** congratulated the State party on its Constitution of 2009, which was one of several new Latin American constitutions giving pre-eminence to human rights. Concerned, however, about the gap between the law and its application, she wondered what were the fundamental challenges to implementing the precepts of the Constitution. She also wondered if sufficient resources were allocated for that purpose, whether Convention principles were shared with all sectors of the population, especially women, and what measures had been adopted to protect women on ancestral lands from the invasion of their habitat.

24. **Ms. Pimentel**, while also commending the Government's admirable efforts to advance women's rights, observed that there was a discrepancy between law and practice in Bolivia. For example, although Comprehensive Act No. 348 called for special courts for women, in practice those courts also dealt with other matters.

25. **Ms. Cornejo Quevedo** (Plurinational State of Bolivia) said that the Government had taken a number of steps to disseminate the different laws protecting women's rights. The General Directorate for the Prevention and Elimination of All Forms of Gender and Generational Violence, which was the operational unit of the Office of the Deputy Minister for Equal Opportunity, had launched campaigns to raise awareness of the existence of those laws so that women could fully assert their rights. Several women's organizations had assisted the Government in that endeavour. A document outlining the Government's efforts to promote and protect the rights of indigenous women had been published in 2014. Moreover, a research paper containing an assessment of the implementation of the Comprehensive Act to Guarantee Women a Life Free of Violence (Act No. 348) in rural areas would in the near future be submitted to the competent authorities and made available to the public. The paper would form the basis of future community-based initiatives to prevent violence against women and to safeguard their rights.

26. **Ms. Velasco Condori** (Plurinational State of Bolivia) said that specialized courts dealing with cases involving violence against women had been set up in a number of provinces and in some major cities. The courts employed lawyers, prosecutors and judges with a wide range of expertise. A national summit had been held to discuss the overhaul of the current justice system. One of the shortcomings identified at the summit was the insufficient number of specialized courts dealing with cases involving violence against women. As a result of the summit, more specialized courts would be set up throughout the country to ensure that as many women as possible had access to justice.

27. **Ms. Cornejo Quevedo** (Plurinational State of Bolivia) said that the anti-corruption courts had been merged with the specialized courts dealing with cases involving violence against women to provide an urgent response to that problem. The Government and the Council of the Judiciary were examining the possibility of once again setting up separate courts for cases involving corruption. The Council of the Judiciary was also developing an inter-institutional policy on gender equality for the justice system.

28. **Ms. Pimentel** asked whether the Council of the Judiciary planned to modify the current governance structure of the courts; whether the State party had developed a comprehensive training programme on women's rights and gender issues targeting those working in the judiciary; whether such a course could also be taught in university law faculties; what practical steps had been taken to improve the functioning of the judiciary; and whether the penalties prescribed for homophobic crimes were sufficiently dissuasive.

29. **Ms. Acosta Vargas** asked how the introduction of drastic economic reform measures had affected the enjoyment of women's economic, social and cultural rights.

30. **Ms. Suxo Iturry** (Plurinational State of Bolivia) said that there was a pressing need to overhaul the Bolivian justice system and that the national summit had provided a valuable opportunity to discuss how best to achieve that objective. The overhaul was intended to restore and guarantee the independence of the judiciary and to expedite the administration of justice. However, it was also necessary to recruit highly trained legal professionals to ensure the effective functioning of the newly reformed legal system. It was regrettable that not all those who received training on women's rights and gender issues subsequently took up posts within the judiciary. The

Government was aware of the need to allocate additional resources to the State Judge's School to ensure that future judges received such training as part of their studies. It had also been decided that appointments to positions within the judiciary should be exclusively merit-based. Furthermore, many university law faculties were already offering courses on human rights.

31. Unfortunately, the lesbian, gay, bisexual and transgender community enjoyed little protection in the country. The Government had launched a programme to address the discrimination and challenges faced by that community. There were few civil society organizations working in the area of lesbian, gay, bisexual and transgender rights but their work was nonetheless important, as it served to raise public awareness of the plight of those individuals. The Government could find it useful to discuss best practices in improving the situation of the lesbian, gay, bisexual and transgender community with the governments of other countries in the region. While there would undoubtedly be opposition to expanding the rights of that community, the Government remained committed to upholding the principles of equality and non-discrimination enshrined in the Constitution.

32. **Ms. Pomeranzi** said that the State party was to be commended on its efforts to strengthen the different institutions responsible for achieving gender equality. However, the Committee still had some concerns about the capacity of the national machinery for the advancement of women as a whole to achieve that goal. Given that there was no single institution with the mandate or authority to coordinate and monitor the activities of the different institutions responsible for implementing public policies aimed at eliminating all forms of discrimination against women, she would be interested to know how the State party harmonized the interventions of those actors in practice. She asked how the State party had measured the effectiveness of all the legal reforms introduced to date and whether the Office of the Deputy Minister for Equal Opportunity and, therefore, the General Directorate for the Prevention and Elimination of All Forms of Gender and Generational Violence, had sufficient financial and human resources to shoulder the burden of implementing the National Equal Opportunity Plan: "Women Building the New Bolivia to Live Well" alone, especially given the broadness of its scope.

33. She requested additional information on the mandate of the Depatriarchalization Unit, which operated under the auspices of the Ministry of Culture. She also wished to know whether the State party intended to establish a Ministry of Women's Affairs or a similar high-level body with sufficient financial and human resources to monitor and assess the implementation of the National Equal Opportunity Plan, and whether the State party had considered introducing gender-sensitive budgeting at the local, provincial and national levels.

34. **Ms. Acar** said that there was evidence to suggest that the new laws combating discrimination against women and protecting their rights were not being effectively implemented, as gender inequality and patriarchal norms remained prevalent in key sectors such as employment, education and health care and in the civil service and the police. She asked whether the State party planned to make more use of temporary special measures to facilitate and accelerate the elimination of all forms of discrimination against women and the realization of gender equality in the national territory. While the level of women's representation in parliament was high, it remained low in local authorities, public enterprises and the judiciary. She asked how the State party envisaged remedying that situation.

35. The Committee had received reports that the vital role played by the police in combating gender-based violence was often undermined by the patriarchal and discriminatory attitudes that pervaded that institution, and that female police officers were often subjected to abuse and discrimination in the workplace. She asked what

measures the State party intended to take to accelerate gender equality, protect female officers from discrimination and abuse, and increase female officers' prospects of promotion to high-level positions in the security forces. She also wished to know whether any temporary special measures had been put in place to increase the participation of indigenous women in tertiary education, such as scholarships or bursaries.

36. **Ms. Cornejo Quevedo** (Plurinational State of Bolivia) said that the General Directorate for the Prevention and Elimination of All Forms of Gender and Generational Violence was the institution responsible for protecting women's rights on the ground. The Government was aware of the perceived fragility of the institution on account of its limited human and financial resources and had taken steps to build its capacity to enable it to implement the National Equal Opportunity Plan more effectively. A newly established council composed of representatives of all the State institutions working in the area of gender equality was in the process of drawing up implementation plans for the new laws combating discrimination against women and protecting their rights. There were also plans to provide judicial officers with training on women's rights and gender issues.

37. **Ms. Suxo Iturry** (Plurinational State of Bolivia) said that more and more women were occupying high-level positions in the police service and the Armed Forces thanks to the unstinting efforts of the women already working in those institutions and the lobbying of certain civil society organizations. However, many women struggled to gain a promotion or to access such high-level positions because the requirements were much more stringent for them than for their male counterparts. A bill providing for protective measures for female police officers who were subjected to violence or discrimination in the workplace had recently been announced. The bill was expected to include incentives to encourage police officers of both genders to report such incidents. The bill was a welcome development, as female police officers could often be penalized for speaking out.

38. The level of women's participation in the public sector was in fact quite high, as demonstrated by the fact that several large public enterprises were currently led by women. Moreover, despite their humble origins, indigenous women had come to occupy several high-level ministerial positions in the present Government.

39. **Ms. Velasco Condori** (Plurinational State of Bolivia) pointed out that she, as the Minister of Justice, was an example of an indigenous woman from a humble background who had risen to a position of authority. As the Minister of Justice, she visited courts and prosecution services in various provinces and communities to monitor the progress being made in the justice system. An increasing number of young indigenous women were working as judges and occupying important posts in the judiciary, and more and more women were being appointed as ministers.

40. **Ms. Pomeranzi** stressed the importance of gender budgeting and enquired about the State party's approach to allocating economic resources to gender equality.

41. **Ms. Acar** said that the Committee would welcome concrete data on the number of women in the security forces, in decision-making positions in public enterprises and in other areas, such as local government.

42. **Ms. Arocha Domínguez**, noting that some of the statistics contained in the State party's report (CEDAW/C/BOL/5-6) dated from as far back as 2005, reiterated that the Committee needed up-to-date data in order to assess the impact of government policies and programmes. Was the Plurinational State of Bolivia seeking technical assistance with data collection?

43. **Ms. Velasco Condori** (Plurinational State of Bolivia) said that the delegation would provide the Committee with the relevant data within the next 48 hours.

44. **Ms. Cornejo Quevedo** (Plurinational State of Bolivia), in response to Ms. Pomeranzi's question about budgeting, said that the Plurinational State of Bolivia regulated the financial system on the basis of equality, solidarity, distribution and equal redistribution of resources. The Ministry of Justice had drafted a proposal to establish budgets for the implementation of gender policies and other initiatives aimed at protecting women and children.

45. **Ms. Acosta Vargas**, noting that legal pluralism had been recognized under the Constitution, asked in which forums customary law was discussed and how legal pluralism was explained to indigenous women. The Plurinational State of Bolivia had an education policy aimed at eliminating cultural stereotypes. Would that policy have an impact on women in low-income areas? Lastly, she asked what steps were being taken to combat harmful stereotypes perpetuated by the media.

46. **Ms. Pimentel** welcomed the adoption of Comprehensive Act No. 348, but noted that it was not effectively implemented, as apparently only 30 of the 10,579 complaints that had been filed since its adoption had led to convictions. Had the Act had an impact on the number of cases of violence against women? She asked whether the special police force against violence was properly staffed. What was the source of its funding? Information was needed on the impact of the registry on domestic violence. She expressed concern about conciliation and asked what mechanisms were in place to protect victims of violence. Were comprehensive support services available to women victims of violence? Did forensics teams receive training in gender-based violence? What measures had the State party taken to combat and eradicate all forms of violence against women?

47. **Ms. Jahan** said that trafficking was a cause for concern, noting that most victims of trafficking were women and girls who were trafficked for the purposes of forced prostitution and labour. Had the State party studied the extent of trafficking in women and children or the causes of the recent increase in trafficking? What measures were being taken to improve the collection of data disaggregated by sex, age and ethnicity? She asked whether anti-trafficking measures took into account the special needs of women victims and whether a formal mechanism was in place to monitor and assess the impact of the measures that had been taken. What steps were being taken to raise awareness of trafficking among rural and indigenous populations and to establish a national registry of employment agencies? How many anti-trafficking police units had been established in indigenous communities? Were there any shelters for victims of trafficking outside of La Paz? Lastly, she enquired whether any special measures were in place to protect refugees and asylum seekers, who were particularly vulnerable to trafficking, and whether any support mechanisms were in place for women trying to escape prostitution.

48. **Ms. Velasco Condori** (Plurinational State of Bolivia) said that the Plurinational State of Bolivia had a law on human trafficking and smuggling and had been able to identify and monitor common trafficking routes with a view to rescuing victims. It had recently signed a bilateral agreement with Peru to eradicate human trafficking and smuggling and was close to signing a similar agreement with Argentina.

49. **Ms. Cornejo Quevedo** (Plurinational State of Bolivia) said that the Government had signed the agreements in order to maximize coordination. With regard to prostitution, the Government had recently set up a working group to look into the issue.

50. **Ms. Velasco Condori** (Plurinational State of Bolivia), in response to the question concerning conciliation, said that conciliation was an alternative form of

settling disputes and allowed for immediate settlements in civil matters, which saved the parties time and money. The Plurinational State of Bolivia was therefore training more conciliators in order to make conciliation more readily available. Conciliators, as well as lawyers, forensics experts, psychiatrists and social workers, had to master at least two languages, such as Spanish, Guarani, Aymara and Quechua, in order to provide multilingual services. The services they provided were important in view of the complexities of the legal system, as people needed to receive clear information on the legal matters affecting them.

51. **Ms. Suxo Iturry** (Plurinational State of Bolivia) said that the number of refugees in the Plurinational State of Bolivia was not large and that most of them came from Peru. The State party had seen a significant increase in trafficking over the past decade and recognized that trafficking was a complex, transnational issue. The Plurinational State of Bolivia would welcome guidance from the Committee on best practices to combat trafficking, based on the successes of other countries.

52. **Ms. Jahan** agreed that trafficking was a transnational problem that affected many countries. The Committee commended the State party on its work with other countries in the region and its interest in exploring and adopting best practices. Noting that some victims of trafficking had been imprisoned or convicted for unlawful acts committed as a direct result of their status as trafficking victims, she asked what measures were being taken to ensure that victims of trafficking who wished to cooperate with the authorities were not prosecuted. Were there formal witness protection programmes for victims who cooperated with the authorities?

53. **Ms. Pimentel** said that the delegation had spoken about conciliation used in civil cases but not in cases of violence against women which, according to alternative sources, was on the increase in Bolivia. In addition, statistics indicated that a number of women suffered from sexual abuse in the State party from an early age. She wished to know whether a strategy was in place to protect women from such violence, particularly in their homes and in educational institutions. As for women deprived of liberty, she wondered whether gender-sensitive policies in that regard had been implemented.

54. **Ms. Acosta Vargas** said that, although the modification of sociocultural mores had been enshrined in law, some form of intercultural dialogue needed to be established in order to ensure universal understanding of women's rights. There should also be more restrictive provisions on the violation of rights of young people in the workplace, an issue requiring more detailed discussion with indigenous populations. Furthermore, she wished to know how the Plurinational Observatory of Education Quality responded when notified of discriminatory practices, and how it sought to counter the dissemination of damaging images of women in the media.

55. **Ms. Al-Dosari** said that she would appreciate a comment on what measures were being taken to address customary and tribal practices in the State party that violated the Constitution and were harmful to women.

56. **Ms. Velasco Condori** (Plurinational State of Bolivia), referring to the issue of conciliation, said that Act No. 348, the Comprehensive Act to Guarantee Women a Life Free of Violence, prohibited conciliation in cases of violence that compromised the life, safety or sexual integrity of women. Moreover, under article 3 of the Act, conciliation achieved as a result of pressure exerted by those who received the complaint was not legally recognized. She had previously made reference to conciliation in civil cases because, in recent years, it had become common practice for parties to turn to the criminal law system to address such cases, resulting in the overburdening of criminal courts. Therefore, conciliation should be used as a means of alleviating such a burden where possible but never in cases of violence.

57. **Ms. Cornejo Quevedo** (Plurinational State of Bolivia) said that the Family Code stipulated that the minimum age of marriage was 18 years or 16 years in exceptional cases when parental consent was given. With regard to child labour, the Children's and Young Persons' Code stipulated that the minimum age of work was 10 years. Child labour was mediated and regulated by the Ombudsman for Children which acted as the main monitoring body. It was currently developing statistics on the number of children who needed to work because of their living conditions and the outcome of that research was pending. In reference to the media, the State party had established a protocol to address the question of the image of women in the media. The protocol aimed to raise awareness of the issue and had been developed by the Ministry of Communications. Under Act No. 348, the dissemination of damaging images of women in the media was considered systemic violence. It had not yet been criminalized but was regulated by the Ministries of Communications and Justice.

58. **Ms. Suxo Iturry** (Plurinational State of Bolivia), referring to the issue of women deprived of liberty, said that delays in legal proceedings exacerbated the situation for women in particular because they often had dependent children. The Government hoped that a forthcoming judges' summit would help to resolve the issue. The presidential decree granting pardons to prisoners had focused particularly on women with dependent children and a similar enactment of a few years earlier had also mainly benefited women. Another important issue was the construction of new internment facilities for women deprived of liberty.

59. As to the forums in which customary law was discussed, she said that the discussion took place at community level. While it was true that there were certain customs of indigenous peoples that contravened national law, the Government was seeking to implement a law that would respect indigenous customs as it was important to recognize and preserve the country's roots and traditions. On the question of media stereotypes, she said that a law had been developed by the Ministry of Communications which focused on journalistic ethics. Workshops and events had also been held with media directors with the aim of raising awareness of harmful advertising. As for measures taken against tribal practices, efforts had been made to focus on respect for life, a principle enshrined in the Constitution.

60. **Ms. Velasco Condori** (Plurinational State of Bolivia), referring to the issue of deprivation of liberty, said that the presidential decree granting pardons had been broadened in an attempt to curb prison overcrowding. The Government was also working with provincial courts of justice to ensure that hearings were held expeditiously. In cases of petty crime in particular, priority was given to ensuring that the necessary documents, such as identification papers, were promptly placed before the court in order to help inmates avoid pitfalls in legal proceedings and thus secure reduced or suspended sentences. Furthermore, since 2006 efforts had been undertaken to tackle the issue of pregnant women in prison.

61. **Ms. Zou** Xiaoqiao said that, despite increased participation of women in the legislative branch of Government, female participation in the executive branch was poor. Women constituted a very low percentage of mayors and the number of female ministers had fallen since the new cabinet had been formed. She wondered what the State party was doing to address the situation and whether any temporary special measures would be put in place to improve women's participation.

62. Moreover, the Committee would appreciate information on how the Government was putting into practice the commendable Political Harassment and Violence against Women Act (Act No. 243), whether resources had been allocated for its enforcement, and what measures had been introduced to address complaints of political harassment or violence. The Committee was concerned that the Electoral System Act protected only candidates, not those who had been elected, from political harassment,

particularly given the increase in such cases between 2010 and 2012, and wondered whether any measures were in place to address the issue or whether there were plans to amend the law with a view to protecting all women in the political sphere. Furthermore, indigenous women faced obstacles to political participation on account of gender stereotyping and linguistic barriers. It would be useful to know whether concrete measures had been taken to encourage indigenous women to participate in political life at all levels and to use their native language, particularly since the Constitution provided for the use of indigenous languages in the political sphere.

63. **Ms. Cornejo Quevedo** (Plurinational State of Bolivia) said that Act No. 243 focused on administrative, penal and constitutional provisions to protect the rights of women involved in political activity. However, one of the shortcomings of the legislation lay in the area of practical enforcement. Regulations to the Act were under consideration which would provide a mechanism for reporting cases of political harassment under the comprehensive Act to Guarantee Women a Life Free of Violence, Act No. 348. Nonetheless, some cases of political harassment had already been resolved under the constitutional provisions of Act No. 243.

64. **Ms. Suxo Iturry** (Bolivia) said that the drop in the number of female ministers was not a cause for concern but merely the result of changes in cabinet membership, although she agreed that positive discrimination should be implemented in the executive branch of Government to improve female participation. Despite the fact that there was not a significant number of female mayors in Bolivia, the Association of Women Councillors of Bolivia (ACOBOL) had released a bulletin stating that the principle of parity and alternation had been achieved in the national legislature. With regard to indigenous candidates, they were able to take up positions even if they did not speak Spanish and were represented in all employment sectors.

65. **Ms. Acosta Vargas** said that she would have liked to receive more information on the participation of women representing the State party internationally in high-ranking diplomatic positions and embassies.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1318

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
20 July 2015

English only

Committee on the Elimination of Discrimination against Women
Sixty-first session

Summary record (partial)* of the 1318th meeting
Held at the Palais des Nations, Geneva, on Tuesday, 14 July 2015, at 3 p.m.

Chairperson: Ms. Hayashi

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fifth and sixth periodic reports of the Plurinational State of Bolivia (continued)

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings held during this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.15-12065 (E)

Please recycle

The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Combined fifth and sixth periodic reports of the Plurinational State of Bolivia (continued) (CEDAW/C/BOL/5-6, CEDAW/C/BOL/Q/5-6 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Bolivia took places at the Committee table.*

Articles 7 to 9

2. **Ms. Suxo Iturry** (Plurinational State of Bolivia) said that, unfortunately, only 5 of 33 ambassadors were women and no missions to international organizations were headed by a woman. There were nevertheless many highly competent and deserving women in positions of authority, including some working on the promotion of women's rights and she hoped that more women ambassadors would be appointed. She had no other statistics relating to the number of women in the diplomatic and foreign service.

Articles 10 to 14

3. **Ms. Bailey** said that the Avelino Siñani-Elizardo Pérez Education Act set laudable goals for the elimination of stereotypes and cultural patterns that discriminated against women and indigenous peoples and for the establishment of a high-quality, non-colonialist and non-patriarchal educational system for all Bolivians. However, the Committee had information that the measures envisaged to meet the needs of indigenous communities were gradually being abandoned and the three indigenous universities mentioned in the report were in fact gradually adopting the standard curriculum. She wondered if that was the case and, if so, whether any steps were envisaged to return to the goals of the Education Act with a view to reaffirming indigenous and Afro-Bolivian culture.

4. She took note of the fact that while the school enrolment rate had declined somewhat between 2008 and 2010, from 71.7 per cent to 70.6 per cent, and that there were slightly more girls than boys enrolled overall, but expressed concern that 30 per cent of children did not attend school. It was important to develop statistics to identify who those children were: poor, rural, indigenous, Afro-Bolivian, etc. Given the significant proportion of the State party's gross domestic product allocated to education, measures should be adopted to increase enrolment at the primary level at least, in particular for girls.

5. Only 58 per cent of students completed their secondary education, with girls again slightly more numerous than boys. It was not sufficient, however, to simply compare boys and girls; it was necessary to develop data to identify which groups of girls succeeded and which did not. Approximately 42 per cent of girls did not complete secondary school. Was that because they became pregnant, as was the case for 18 per cent of teenage girls in 2008? Were they rural, indigenous, Afro-Bolivian, or lower class? According to the report, dropout rates, while falling, continued to be higher in rural areas than in urban areas. Why did children drop out and which groups were most affected? More complete disaggregated statistics were needed in those areas and in general in order to identify and rectify problems.

6. She welcomed the State party's efforts to eliminate gender discrimination and noted with interest the first report of the Plurinational Observatory of Education Quality identifying the frequency and types of discrimination reported between October 2010 and the first quarter of 2012. Information on any measures adopted to address the problems highlighted in that report would be welcome.

7. **Ms. Ameline**, with regard to article 11, expressed concern that the State party's efforts to redistribute wealth and strengthen the protection of human rights either did not seem to have increased equality for women, in particular the most vulnerable women such as indigenous women, or had in fact worsened their situation. In the area of domestic work, despite an adequate legal framework, she wondered what real improvement had been made in such areas as pay and working conditions. Women were often underemployed or their work was undervalued and while by law they had equal rights to work in principle, she wondered if they had access to appropriate training for the available jobs, were free to work even if their spouse did not approve and had access to childcare and if indigenous women still needed to obtain citizenship papers in order to apply for loans. She said that medium and larger enterprises should have a quota for the number of women employees.

8. She asked what specific role women were playing in the transition to a society in harmony with the environment. She expressed concern at the size of the informal sector of the economy; given the large numbers of women working in the informal sector, often in poor conditions, she asked what measures were envisaged to formalize and professionalize those jobs. She regretted that there were more than 800,000 child and adolescent workers and called on the State party to increase its efforts to eliminate child labour, for example by repealing the provisions of the law allowing children to work from 10 years of age in certain conditions. She noted that the Constitution prohibited forced labour and exploitation of children and and said that she would appreciate information on any prosecutions in that regard and on any sanctions imposed.

9. **Ms. Arocha Domínguez**, with regard to article 12, took note of the Act on the Provision of Comprehensive Health Care of the Plurinational State of Bolivia and the Act on Ancestral Bolivian Medicine and said that she would be grateful for information on progress made towards the universalization of health care and, in particular, the integration of traditional medicine into the health-care system. She asked whether any measures were envisaged to discourage traditional practices that were in fact detrimental to women's health. She was concerned that average life expectancy was only in the mid-60s and would appeciate statistics on the main causes of death and the differences among groups of women and between men and women.

10. She enquired whether the factors contributing to teenage pregnancy were still the same as those listed in the report (para. 339) and whether there were still significant differences between rural and urban areas in maternal mortality rates and number of children per woman. Information should be provided on strategies to help pregnant girls and avoid early pregnancy, for example sexual and reproductive health education, including how to prevent sexually transmitted infections. She welcomed the Constitutional Court ruling that eliminated the requirement for judicial authorization of abortion in cases of pregnancy resulting from sexual violence but wondered if that ruling had had any practical effect in increasing women's access to abortion. She asked if women who had illegal abortions had the right to health care in cases where there were complications and whether they could still face sanctions for having an illegal abortion. While emergency contraception had been approved, she wondered whether young people, health-care professionals and the relevant authorities were aware of that fact and whether it was readily accessible.

11. **Ms. Cornejo Quevedo** (Plurinational State of Bolivia) said that the Avelino Siñani-Elizardo Pérez Education Act incorporated the consitutional goal of creating a non-colonialist and non-patriarchal education system. It aimed to promote attendance and retention of young people in school, in particular girls. To that end a new curriculum had been developed, stipends, bursaries and financial incentives had been made available to children and their families, school meals and transportation were provided and special attention had been paid to indigenous and rural communities.

12. School infrastructure and teaching materials had been improved and new facilities built. Increasing numbers of teachers were trained professionals. Thanks to the national "Yes, I Can" (*Yo si puedo*) literacy campaign, illiteracy had been virtually eliminated; approximately 827,000 people over the age of 15 had learned to read and write, including 700,000 women, mostly from rural areas.

13. The 2015–2020 Plurinational Plan for the Prevention of Pregnancies in Adolescents and Young Adults set out guidelines to help reduce teen pregnancy and thereby avoid illegal abortions at a young age. In that context, she recalled that judicial authorization for an abortion in cases involving sexual violence was no longer necessary.

14. **Ms. Arocha Domínguez** said that updated statistics should be provided so that the Committee could better understand the effects of programmes and policies. The Committee had, for example, information from civil society representatives that the Constitutional Court decision regarding abortions in cases of sexual violence was not being applied. Were statistics available on the number of abortions carried out under that new policy? Statistics should also be made available on the causes of death among men and women and on the availability and use of contraception, including emergency contraception.

15. **Ms. Ameline** underscored the need for detailed disaggregated information about the situation of women in the labour market, measures to close the gap between women and men in society and the practical implementation of relevant legislation and programmes.

16. **Ms. Bailey** said that more data must be developed on whether or not the State party was succeeding in its goal of establishing a truly plurinational educational system and society. General figures were not sufficient; disaggregated statistics were needed to reflect the relative situations of indigenous, Afro-Bolivian, low-income and rural students. Such statistics were essential for the identification of problem areas and the preparation of measures to address inequalities.

17. **Ms. Cornejo Quevedo** (Plurinational State of Bolivia) said that the Government had begun to implement Constitutional Court ruling No. 0206/2014, which repealed the requirement for women victims of rape or incest to obtain a court authorization before undergoing an abortion. However, more awareness-raising activities and campaigns would be required to ensure that all doctors and health-care professionals were fully informed of the ruling's provisions.

18. **Ms. Suxo Iturry** (Plurinational State of Bolivia) said that the Government had implemented a wide range of measures to eradicate extreme poverty, including the nationalization of the country's leading utility companies, and would continue to increase the number of education, training and employment opportunities available to women so that they could improve their overall standard of living.

19. With regard to access to education, the Government had introduced a scholarship scheme to enable the best female students to continue their studies at the secondary and tertiary level. Vocational training, community involvement and indigenous language, culture and knowledge were promoted under the the Avelino Siñani-

Elizardo Pérez Education Act, which aimed to improve the employment prospects of women, particularly those living in indigenous or rural communities. At present, disaggregated data on the educational achievements of women and girls were not available, but it was hoped that data collected as part of the 2012 census would provide further information.

20. The Government had taken numerous steps to encourage women's economic development and uphold their property and landownership rights, which had resulted in more land titles being granted to women than men in recent years. While it was true that the number of women working in the informal sector was substantial, efforts had been made to encourage their transition to the formal sector and provide them with access to social security benefits. For example, the Government had conducted a number of social security reforms so that all women, regardless of their employment status, could receive maternity benefits.

21. With regard to women's access to health care, measures had been adopted to ensure that women could easily access both traditional and modern medicines as they saw fit and in accordance with their medical needs. The delegation would provide detailed statistics on women's mortality rates and the main causes of death at a later date.

22. **Ms. Arocha Domínguez** asked what steps had been taken to ensure that women benefited from the country's recent economic growth, particularly disadvantaged women, and to consult indigenous women on mining and extractive activities that directly affected their lands. She also wished to know what steps had been taken to guarantee women's access to loan and credit facilities. Lastly, she asked what efforts had been made to encourage and promote women's participation in sporting events at the national and international level.

23. **Ms. Pomeranzi** asked what efforts had been made to remove the obstacles hindering women's access to property and landownership, such as the lack of personal identification papers that prevented their registration as landowners, their exclusion from the land reorganization process, and the lack of knowledge of the regulations and procedures for obtaining land titles. She also wished to know what specific measures had been taken by the National Institute of Agrarian Reform to combat the exploitation of Guaraní women living and working under conditions of servitude in remote, rural areas and to prosecute and punish those responsible for such exploitation.

24. As for migrant women, she wished to know whether the State party had introduced any special legislation or policies in recognition of the large contributions to the national economy made by Bolivian women living overseas through remittances. Regarding older women, she asked what efforts had been made to ensure that women over 60, in particular Afro-descendant and indigenous women, had access to the social security system, including the basic State pension. She also wished to know whether measures had been taken to fully implement the provisions of the Convention on the Rights of Persons with Disabilities and uphold the rights of women and girls with disabilities. Concerning refugee women, she asked whether specific policies had been introduced to protect women in transit through the country from sexual violence and abuse, especially along the border with Colombia. Lastly, she wished to know whether the State party had fully implemented the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

25. **Ms. Velasco Condori** (Plurinational State of Bolivia) said that the Government was in the process of improving access to credit and loan facilities for women, particularly rural and indigenous women who were unable to provide any form of

deposit or guarantee. It had also set up programmes to encourage more women to start their own businesses, particularly in the weaving, fish breeding, poultry farming and forestry management industries.

26. As for women's participation in sport at the national and international level, funding had been made available to talented sportswomen to enable them to strengthen their skills and participate in international competitions and events. Efforts had also been made to seek out talented female athletes living in rural and indigenous communities across the country.

27. **Ms. Suxo Iturry** (Plurinational State of Bolivia) said that many incentives had been introduced to facilitate migrant women's return to the country, including the lifting of tariffs on personal items. All women, without discrimination, were entitled to the basic State pension, which provided a dignified standard of living. With regard to women with disabilities, the Government provided special mobility and childcare allowances to encourage women with disabilities to take up employment in the open labour market. It had also recently introduced legislation requiring all public bodies to allocate 4 per cent of their vacancies to persons with disabilities.

28. Very few women sought refugee status in the country. Former Peruvian women refugees had settled in well to Bolivian life and faced no discrimination. The Government continued to uphold the rights of women refugees and prosecuted acts of violence or abuse against them whenever and wherever they occurred. With regard to access to justice, women continued to experience delays in the processing of their cases and suffered overcrowded prison conditions. Efforts were under way to improve the situation as quickly as possible.

29. **Ms. Pomeranzi** said that the question on the rights of indigenous women had not been answered; that was an issue that the Committee considered particularly important. With regard to refugee women and disadvantaged women seeking support, it was not acceptable that the State was not monitoring specific situations of violence against women, including refugee women; such monitoring was the State's duty. The Committee would like there to be more training for people who dealt with such women.

30. **Ms. Cornejo Quevedo** (Plurinational State of Bolivia) said that the Ministry of Rural Development and Land had succeeded in fostering women's access to land in rural areas. Relevant issues had been included in the public agenda and the "Patriotic Agenda 2025". A significant revolution in community-based production had occurred, and women's access to land had risen by 46 per cent. Women were now landowners and their access to water, technology, training and technical assistance had improved significantly. Their income had also increased.

Articles 15 and 16

31. **Ms. Halperin-Kaddari** commended the State party on its new code on families and related proceedings (Código de las Familias y del Proceso Familiar) and welcomed the fact that "family" was in the plural form, as it implied that various kinds of families were covered. What measures was the Government taking to raise awareness of that new code, which would come into effect in August 2015? How was the Government ensuring that women, and specifically indigenous women, were made aware of the rights protected by the code? With regard to the Constitution's recognition of the existence, de jure and de facto, of a plural legal system in the country, it was not clear what actual effect legal pluralism had on the personal status law or family law of the State party. Neither the report nor the replies, where the new families code was described, contained information on the issue of inheritance, which

was tied to the question of landownership. The written reply to question No. 20 of the list of issues suggested that it was customary law and not civil law that governed inheritance and that customary law still stood in the way of women's owning land. Could the delegation clarify the statement in its written replies to the effect that women faced challenges in gaining true control of land because of customs that favoured men and current inheritance law?

32. An alternative source had emphasized that the new code stated that custody of children should be shared and equal. Could the delegation clarify whether that was true? Did that mean that legal custody was shared equally between women and men? How would the code affect the issue of physical custody when parents separated or divorced? Did it entail a presumption of equal physical custody after divorce, which was a controversial issue?

33. De facto relationships had been protected under the Constitution, but were now even easier to enter into. Were such relationships recognized only after the couple had registered? Was there a registrar of de facto relations? Clarification was needed on the rights and obligations of de facto partners, including those who were not registered, towards each other and the State.

33. Turning to the issue of unremunerated domestic work, how was the concept of recognizing the value of unremunerated housework being put into effect with respect to the issue of distribution of property when couples separated? Was there recognition of unremunerated housework in which the woman might have engaged? Was she entitled to half the share of the household assets? Did it include pension rights and other work-related benefits that the men had accrued at the expense of her unremunerated housework?

35. **Ms. Cornejo Quevedo** (Plurinational State of Bolivia) said that within the framework of the code on families and related proceedings established pursuant to Act No. 603, substantial gender-related content had been incorporated, reflecting the fact that women were subjects in law and not the object of protection. In that context, the code established clearly, with reference to child custody, for example, that in cases of divorce, parents could reach an agreement to share custody so as to promote the father-child or mother-child relationship.

36. Recognition of de facto unions under the law required a simple application to the registry office by the parties concerned, and the union took effect from the time when the couple began living together voluntarily, with the same legal effects in respect of succession, inheritance and other civil and family matters as those of formal marriages. That was part of the new regulatory framework that would come into force on 6 August 2015.

37. **Ms. Velasco** (Plurinational State of Bolivia) said that, previously, divorce proceedings could take up to 10 years in the courts. Now public notaries could handle divorce cases when there were no children or assets involved. In such cases, couples could go directly to a notary to get divorced and did not need to go through the courts. The cost was 1,900 bolivianos. The process took about 30 days and was voluntary. The involvement of notaries had also helped in reducing the backlog in the courts of civil, family and other cases.

38. With regard to custody, she understood that parents who were separating could come to an agreement about the shared custody over their children, including physical custody. However, she wished to know what happened when there was no agreement between the parents. Did the new law provide for a presumption of shared physical custody, meaning that, by default, the law would promote shared physical custody? What happened when couples lived together without registration; were they accorded the same rights as couples in de facto unions, or was there no recognition of their

relationship? Lastly, how was marital property divided in cases of separation or divorce: was the non-financial contribution that women might have made to the assets accumulated during the couple's life together recognized?

39. **Ms. Pimentel** said that the fee of US$ 150 that was applied when one went to a notary for a divorce was in fact a significant sum: there were women in poverty who would probably have difficulty paying it. Where the woman could not pay the fee, and in all situations where she could not afford to access justice, was legal counsel available free of charge?

40. **Ms. Velasco** (Plurinational State of Bolivia) said that divorce used to cost 10,000 bolivianos, 5,000 of which were to be paid by the husband and 5,000 by the wife. Keeping low-income individuals in mind, she herself had pushed for notaries to lower their fee, and they had brought their fee down from 2,500 bolivianos. It was by mutual agreement that couples wishing to get divorced went to a notary. If a lawyer was absolutely necessary, the State, through its justice services, provided a lawyer free of charge. The State was setting up multidisciplinary teams of lawyers, social workers, psychologists and others to help low-income individuals to have access to such services.

41. She was grateful to the members of the Committee for the respectful tone of the interactive dialogue, for their efforts to understand the situation in the Plurinational State of Bolivia, and for their recognition of the advances her country had made. Her Government considered that there was much to be done, but that it also had good practices to share with other countries. She hoped that her country would come to eliminate discrimination.

42. **The Chairperson** said that she was grateful to the delegation for the constructive dialogue with the Committee, which had given it further insight into the situation of women in the Plurinational State of Bolivia. She encouraged the State party, for the benefit of all women and girls, to take all necessary measures to address all the recommendations of the Committee, which would be communicated to it via its permanent mission. The Committee looked forward to receiving the next periodic report.

The meeting rose at 5 p.m.